

### **REMARKS**

Claims 2-15 are pending in the above application.

The Office Action dated May 3, 2006, has been received and carefully reviewed. In that Office Action, claims 2-15 were rejected under 35 U.S.C. 102(b) as being anticipated by Sato. Reconsideration and allowance of claims 2-15 is respectfully requested in view of the following remarks.

Claim 2 is rejected under 35 U.S.C. 102(b) as being anticipated by Sato. The Office Action does not identify which elements of Sato correspond to many elements required by claim 2, and it is submitted that no such corresponding elements are present in Sato. If the below interpretation of Sato is not consistent with the examiner's reasoning in making the above rejections, it is respectfully requested that the examiner specifically identify (by reference numeral if possible) the elements of Sato that are believed to correspond to each element required by claim 2.

Claim 2 requires a remote controlled medical instrument that has a wire section and a remote control section. The remote control section includes, among other elements, a rod-shaped main body having a hollow inside and an operating member coupled to the main body so as to be slidable in a longitudinal direction of the main body. It appears that the Office Action may be interpreting main body 5 of Sato to correspond to the main body required by claim 2 and Sato's slider 6 as corresponding to the claimed operating member. Sato's slider 6 appears to be coupled to main body 5 and to slide in a longitudinal direction of main body 5.

Claim 2 also requires a pinching mechanism in the main body and coupled to the operating member. Therefore, any element of Sato corresponding to a pinching element must be found in Sato's main body 5 and be coupled to Sato's slider/operating member 6. The only element of Sato that appears to be both in main body 5 and coupled to an "operating member" 6 is Sato's pressing plate 11.

The pinching mechanism required by claim 2 includes three members: a coupling member, a clip member in the coupling member, and a sliding member. Pressing plate 11, however, does not include a coupling member, a pressing member in the coupling member and a sliding member as would seem to be required under the analysis used in the Office Action. The

Office Action indicates that pressing plate 11 is both a clip member and a coupling member “because the claim recites the clip member as part of the coupling member.” It is respectfully submitted that claim 2 requires “a clip member arranged in the coupling member.” Pressing plate 11 is not a first member arranged in a second member as would be required by the interpretation used in the Office Action. Furthermore, Sato’s pressing plate 11 does not include a sliding member. For at least these reasons, it is respectfully submitted that the Sato does not show each element required by claim 2 and that claim 2 is therefore allowable over Sato.

Claim 3 depends from claim 2 and is submitted to be allowable for at least the same reasons as claim 2.

Claim 4 is also rejected under 35 U.S.C. 102(b) as being anticipated by Sato. Claim 4 requires a remote controlled medical instrument that includes a wire section and a remote control section. The remote control section includes a rod-shaped main body having a hollow interior and an operating member coupled to the main body so as to be slidable in longitudinal direction of the main body for moving an actuator. Independent claim 4 is not specifically addressed in the Office Action, and it is therefore not clear which elements of Sato are believed to correspond to the limitations of claim 4. It is respectfully requested that claim 4 be addressed in the next Office Action so that the basis for rejecting this claim can be better understood.

As discussed above in connection with claim 2, it appears that Sato’s main body 5 is being interpreted as corresponding to the main body recited in claim 4 and that Sato’s slider 6 is being interpreted as corresponding to the operating member recited in claim 4. Claim 4, however, further requires a pinching mechanism slidably retained on the operating member. The phrase “slidably retained” requires something that is retained in a manner that allows for sliding. However, it is respectfully submitted that no element is slidably retained on Sato’s slider 6. Even if slider 6 is somehow being interpreted as corresponding to the claimed pinching member, it is noted that slider 6 is not slidably retained on pressing plate 11. That is, when pressing plate 11 can move relative to slider 6 during assembly, it is not retained thereon, and when slider 6 is retained on pressing plate 11 (or vice versa) slider 6 and pressing plate 11 are fixed relative to one another. Sato does not show at least a pinching mechanism slidably retained on an operating member as required by claim 4, and claim 4 is submitted to be allowable over Sato for at least

this reason.

Claims 5-10 depend from claim 4 and are submitted to be allowable for at least the same reasons as claim 4.

Claim 11 is rejected under 35 U.S.C. 102(b) as being anticipated by Sato. Claim 11 requires a remote controlled medical instrument that includes a remote control section for controlling a functional member. The remote control section comprises a main body having a hollow inside and an operating member longitudinally slidably coupled to the main body. It appears that the Office Action may be interpreting main body 5 of Sato as corresponding to the main body required by claim 11 and Sato's slider 6 as corresponding to the claimed operating member. If this is incorrect, it is respectfully requested that additional details of how claim 11 is being interpreted be provided in a further Office Action.

Claim 11 further requires that the operating member comprise an operating member body having an end and first and second clips. It is not clear from the Office Action, which does not specifically discuss claim 11, which elements of Sato are believed to correspond to the operating member body and first and second clips required by this claim. Based on the response to arguments section of the Office Action discussing claim 2, it appears that the Office Action may be interpreting pressing plate 11 as corresponding to the clip members. However, pressing plate 11 does not include first and second clip members connected to an operating member body and a sliding member retained on the operating member body and slidably shiftable between first and second positions. Sato's pressing plate 11 is only connected to slider 6 in the configuration of Figure 5, and in this configuration, no sliding member retained on an operating body is shown. Slider 6 and pressing plate 11 may move relative to one another during assembly, but before the configuration of Sato's Figure 5 is reached, pressing plate 11 is not retained on slider 6. Once it becomes "retained," no sliding as required by claim 11 can occur. For at least this reason, it is respectfully submitted that claim 11 is allowable over Sato.

Claims 12-15 depend from claim 11 and are submitted to be allowable for at least the same reasons as claim 11.

CONCLUSION

Each issue raised in the Office Action dated May 3, 2006, has been addressed, and it is believed that claims 2-15 are in condition for allowance. Wherefore, reconsideration and allowance of these claims is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Scott Wakeman (Reg. No. 37,750) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: August 1, 2006

Respectfully submitted,

By 

Michael R. Cammarata

Registration No.: 39,491

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant